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7 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-471**

11 **MONICA STARR WISSMANN**  
12 **a.k.a. MONICA WISSMANN**  
13 **a.k.a. Monica McMURRAY**  
14 **1407 Doonesbury Drive**  
15 **Austin, Texas 78758**

**ACCUSATION**

16 **Registered Nurse License No. RN 635482**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about April 1, 2004, the Board of Registered Nursing issued Registered Nurse  
24 License Number RN 635482 to Monica Starr Wissmann (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein. The  
26 license expired on January 31, 2010, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . ."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

...

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUGS

11. Vicodin is a brand of hydrocodone bitartrate, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(j) and is a dangerous drug per Code section 4022.

12. Dilaudid is a brand of hydromorphone hydrochloride, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b) and a dangerous drug as designated by Business and Professions Code section 4022, used for pain relief.

13. Morphine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M), and a dangerous drug as designated by Business and Professions Code section 4022. It is used to treat moderate to severe pain.

14. Methadone is a synthetic narcotic analgesic, a controlled substance as designated by Health and Safety code section 11055(c)(14), and a dangerous drug as designated by Business and Professions Code section 4022.

## FIRST CAUSE FOR DISCIPLINE

(ILLEGALLY OBTAIN OR POSSESS CONTROLLED SUBSTANCES)

15. Respondent is subject to disciplinary action under Code section 2761(a) on the grounds of unprofessional conduct, as defined by Code section 2762(a), in that while on duty as a

1 registered nurse at Contra Costa Regional Medical Center (CCRMC), Martinez, California,

2 Respondent illegally obtained and/or possessed controlled substances as follows:

3 Patient A:

4 a. On May 1, 2007 at 01:01, Respondent removed two Vicodin tablets from the hospital  
5 Omnicell<sup>1</sup>. Respondent failed to document administration or wastage of the Vicodin, or  
6 otherwise account for its disposition.

7 b. On May 1, 2007 at 07:02, Respondent removed 10 mg of morphine from the hospital  
8 Omnicell. Respondent documented administration of 4 mg of the morphine, but failed to  
9 document wastage of the remaining 6 mg or otherwise account for its disposition.<sup>2</sup>

10 Patient B:

11 a. On April 28, 2007 at 20:53, Respondent removed one Vicodin tablet from the  
12 hospital Omnicell. Respondent failed to document administration or wastage of the Vicodin, or  
13 otherwise account for its disposition.

14 Patient C:

15 a. On May 2, 2007 at 16:29, Respondent removed 2 mg of Dilaudid from the hospital  
16 Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 16:00 (prior to the  
17 time of the removal of the medication) and failed to document wastage of the remaining Dilaudid  
18 or account for its disposition.

19 b. On May 2, 2007 at 18:12, Respondent removed 2 mg of Dilaudid from the hospital  
20 Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 18:00 (prior to the  
21 time of the removal of the medication) and failed to document wastage of the remaining Dilaudid  
22 or account for its disposition.

23 c. On May 2, 2007 at 20:10, Respondent removed 2 mg of Dilaudid from the hospital  
24 Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 20:00 (prior to the  
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26 \_\_\_\_\_  
27 <sup>1</sup> Omnicell is a hospital computerized medication storage system.

28 <sup>2</sup> At CCRMC, morphine is available in 2 mg, 4 mg and 10 mg vials.

1 time of the removal of the medication) and failed to document wastage of the remaining Dilaudid  
2 or account for its disposition.

3 d. On May 2, 2007 at 22:02, Respondent removed 2 mg of Dilaudid from the hospital  
4 Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 22:30 and failed to  
5 document wastage of the remaining Dilaudid or account for its disposition.

6 e. On May 2, 2007 at 22:43, Respondent removed 2 mg of Dilaudid from the hospital  
7 Omnicell. Although Respondent documented wasting 1 mg of the Dilaudid, Respondent failed to  
8 document administration of the Dilaudid and failed to document wastage of the remaining  
9 Dilaudid or account for its disposition.

10 f. On May 3, 2007 at 00:20, Respondent removed 2 mg of Dilaudid from the hospital  
11 Omnicell. Although Respondent documented wasting 1 mg of Dilaudid, Respondent failed to  
12 document administration of the Dilaudid and failed to document wastage of the remaining  
13 Dilaudid or account for its disposition.

14 g. On May 3, 2007 at 04:13, Respondent removed 2 mg of Dilaudid from the hospital  
15 Omnicell. Although Respondent documented wasting 1 mg of the Dilaudid, Respondent failed to  
16 document administration of the Dilaudid and failed to document wastage of the remaining  
17 Dilaudid or account for its disposition.

18 h. On May 3, 2007 at 06:52, Respondent removed 2 mg of Dilaudid from the hospital  
19 Omnicell. Respondent failed to document administration of the Dilaudid and failed to document  
20 wastage of the remaining Dilaudid or account for its disposition.

21 Patient D:

22 a. On April 28, 2007 at 21:54, Respondent removed 10 mg of Methadone from the  
23 hospital Omnicell. At 22:00 Respondent documented administration of Methadone, but did not  
24 indicate the amount administered.

25 b. On April 28, 2007 at 22:22, Respondent removed 10 mg of Methadone from the  
26 hospital Omnicell (in excess of physician's orders which called for Methadone to be given twice a  
27 day). Respondent failed to document administration of the Methadone and failed to document  
28 wastage of the Methadone or otherwise account for its disposition.

1       Patient E:

2       a.     On May 4, 2007 at 01:29, Respondent removed 2 mg of Dilaudid from the hospital  
3     Omniceil. Respondent documented administration of .05 mg of the Dilaudid, but failed to  
4     document wastage of the remaining 1.5 mg or otherwise account for its disposition.

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6                               SECOND CAUSE FOR DISCIPLINE

7     (FALSIFY, OR MAKE GROSSLY INCORRECT, GROSSLY INCONSISTENT, OR  
8     UNINTELLIGIBLE ENTRIES IN ANY PATIENT RECORD)

9       16.   Respondent is subject to disciplinary action under Code section 2761(a) on the  
10    grounds of unprofessional conduct, as defined by Code section 2762(e), in that while on duty as a  
11    registered nurse at CCRMC, Respondent falsified, made grossly incorrect, grossly inconsistent, or  
12    unintelligible entries in hospital and patient records, as alleged above in paragraph 15.

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14                            THIRD CAUSE FOR DISCIPLINE  
15                            (UNPROFESSIONAL CONDUCT)

16       17.   Respondent is subject to disciplinary action under section 2761(a) in that she acted  
17    unprofessionally as alleged above in paragraphs 15 and 16.

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19                               PRAYER

20       WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21    and that following the hearing, the Board of Registered Nursing issue a decision:

22       1.     Revoking or suspending Registered Nurse License Number RN 635482, issued to  
23    Monica Starr Wissmann;

24       2.     Ordering Monica Starr Wissmann to pay the Board of Registered Nursing the  
25    reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
26    Professions Code section 125.3;

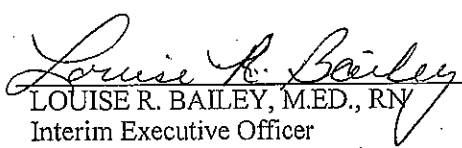
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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/29/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2009405646